

DOCKET NO.: JJPR-0013 (ORT-1296)

PATENT  
REPLY FILED UNDER EXPEDITED  
PROCEDURE PURSUANT TO  
37 CFR § 1.116



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Zhong Zhong, Glen L. Kelley, Thomas J. Confirmation No.: 2391

Mercolino, Robert Zivin, John J. Siekierka

Application No.: 09/663,306

Group Art Unit: 1653

Filing Date: September 15, 2000

Examiner: Karen C. Carlson

For: CELL BASED ASSAY

EXPRESS MAIL LABEL NO: EV 325638786 US  
DATE OF DEPOSIT: September 10, 2003

MAIL STOP AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS PURSUANT TO 37 CFR § 1.192**

Applicant hereby appeals to the Board of Appeals from the Decision of the Primary Examiner mailed March 11, 2003 finally rejecting claims 82-85 of the above-identified patent application.

The item(s) checked below are appropriate:

- ☐ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as :
- ☒ Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4) to extend the time for response to the Office Action of March 11, 2003 to and through September 11, 2003 comprising an extension of the shortened statutory period of three (3) months.

09/12/2003 RMEBRAHT 00000003 09663306

02 FC:1401

320.00 OP

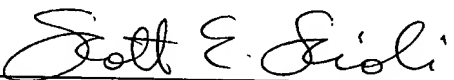
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	SMALL ENTITY		NOT SMALL ENTITY	
	RATE	FEE	RATE	FEE
<input checked="" type="checkbox"/> NOTICE OF APPEAL	\$160	\$0	\$320	\$320.00
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$55	\$0	\$110	\$0
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$205	\$0	\$410	\$0
<input checked="" type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$465	\$0	\$930	\$930.00
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$725	\$0	\$1450	\$0
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$985	\$0	\$1970	\$0
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID	minus	(\$0)	minus	(\$0)
TOTAL FEE DUE		\$0		\$1250.00

- ☒ A check in the amount of **\$1250.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge my Deposit Account No. 23-3050 in the amount of \$     .00    . This sheet is attached in duplicate.
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.

Date: September 10, 2003

  
\_\_\_\_\_  
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